

Thursday, June 9, 1988

Senate

Chamber Action

Routine Proceedings, pages 13962-14049

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 2489-2491, S. Res. 440, S. Con. Res. 124.

Page, 14024, 14025

Measures Reported: Reports were made as follows:

H.R. 4586, making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, with amendments. (S. Rept. No. 100-380)

H.R. 4567, making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, with amendments. (S. Rept. No. 100-381)

H.R. 4587, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1989, and for other purposes, with amendments. (S. Rept. No. 100-382)

Page 14024

Death Penalty for Drug-Related Killings: Senate continued consideration of S. 2455, to provide for the death penalty in the case of drug-related killings, taking action on amendments proposed thereto, as follows:

Pages 13971, 14045

Rejected:

Levin modified Amendment No. 2339, to substitute mandatory life imprisonment without the possibility of release for the death penalty. (By 65 yeas to 31 nays (Vote No. 171), Senate tabled the amendment.)

Page 13997

Pending:

Hatfield Amendment No. 2340, to require that executions be carried out in public and to provide employees of State and Federal correctional institutions charged with carrying out Federal death sentences under the amendment made by this bill with a right to refuse participation in executions when such participation would violate the moral or religious convictions of the individual.

Page 14046

By 70 yeas to 26 nays (Vote No. 172), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill (S. 2455).

Page 14005

A further unanimous-consent agreement was reached providing for further consideration of the

bill and certain amendments proposed thereto, on Friday, June 10.

Page 14007

Polygraph Protection Act—Conference Report: By 68 yeas to 24 nays (Vote No. 173), Senate agreed to the conference report on H.R. 1212, to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

Page 14007

Federal Railroad Safety—Conference Report: Senate agreed to the conference report on S. 1539, to amend the Federal Railroad Safety Act of 1970.

Page 14011

Nominations Confirmed: Senate confirmed the following nominations:

Fowler C. West, of Texas, to be a Commissioner of the Commodity Futures Trading Commission.

William W. Erwin, of Indiana, to be a Member of the Board of Directors of the Farm Credit System Assistance Board.

Page 14049

Messages From the President: Senate received the following messages from the President of the United States:

Received on Wednesday, June 8:

Transmitting the proposed "President's Pro-Life Act of 1988," to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered; which was referred to the Committee on Appropriations. (PM-140)

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Messages From the House:

Page 14018

Measures Referred:

Page 14018

Measures Ordered Placed on Calendar:

Page 14018

Petitions and Memorials:

Page 14018

Statements on Introduced Bills:

Page 14025

Amendments Submitted:

Page 14030

Additional Cosponsors:

Page 14027

Authority for Committees:

Page 14030

Notices of Hearings:

Page 14030

Additional Statements:

Page 14030

Record Votes: Three record votes were taken today. (Total—173)

Pages 14002, 14005, 14010

Recess: Senate convened at 9:30 a.m., and recessed at 7:16 p.m., until 9:15 a.m. on Friday, June 10, 1988. (For Senate's program, see the remarks of Senator Byrd in today's Record on page 14017.)

Committee Meetings

HUNGER PREVENTION ACT, 1988

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Nutrition and Investigations approved for full committee consideration an original bill to provide additional assistance for the Food Stamp program, Temporary Emergency Food Assistance program, child nutrition programs, work training program, and childcare for working families.

BUSINESS MEETING

Committee on Appropriations: Committee ordered the following bills favorably reported:

H.R. 4567, appropriating funds for fiscal years 1989 for energy and water development programs, with amendments;

H.R. 4586, appropriating funds for fiscal year 1989 for military construction programs of the Department of Defense, with amendments; and

H.R. 4587, appropriating funds for fiscal year 1989 for the Legislative Branch, with amendments.

APPROPRIATIONS—AGRICULTURE AND RURAL DEVELOPMENT

Committee on Appropriations: Subcommittee on Agriculture, Rural Development and Related Agencies approved for full committee consideration proposed legislation appropriating funds for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

APPROPRIATIONS—LABOR/HHS/ EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies continued hearings on proposed budget estimates for fiscal year 1989 for those programs which fall within the subcommittee's jurisdiction, receiving testimony from Senator Exon and numerous public witnesses.

Subcommittee recessed subject to call.

APPROPRIATIONS—TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government approved for full committee consideration proposed legislation appropriating funds for fiscal year 1989 for the Department of the Treasury, U.S. Postal Service, and general government programs.

WATER RESOURCES

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on the following bills:

S. 1737, to provide for the completion of the Colorado River Storage Project, after receiving testimony from Senators Garn and Hatch; Representative Wayne Owens; C. Dale Duvall, Commissioner, Bureau of Reclamation, Department of the Interior; Don Christiansen and D. Robert Hilburt, both of the Central Utah Power Water Conservancy District, Orem, Utah; Milt Theobald and H. Ross Nelson, both of the Strawberry Water Users Association, Payson, Utah; Carolyn McNeil, Intermountain Consumer Power Association, Sandy, Utah; Joe Falbo, Colorado River Energy Distributors Association, Waddell, Arizona; and Debra Sliz, American Public Power Association, Morgan Dubrow, National Rural Electric Cooperative Association, Donald R. Allen, Duncan, Allen and Mitchell, David Conrad, Friends of the Earth, Ed Pembleton, National Audubon Society, Lynn A. Greenwalt, National Wildlife Federation, Ed Norton, Grand Canyon Trust, Ken Holum, Public Power Development Corporation, and Tom Donnelly, National Water Resources Association, all of Washington, DC;

S. 2102, to prohibit the construction of any dam on specified segments of the Salmon River and Snake River in Idaho, after receiving testimony from Representative Craig; Dean Shumway, Director Environmental Analysis, Federal Energy Regulatory Commission; and John Echeverria, American Rivers, and Lynn A. Greenwalt, National Wildlife Federation, both of Washington, DC; and

S. 2108, to authorize the preparation of a Reclamation Groundwater Management and Technical Assistance Study for the Congress, after receiving testimony from C. Dale Duvall, Commissioner, Bureau of Reclamation, Department of the Interior; and Lynn A. Greenwalt, National Wildlife Federation, Washington, DC.

ASBESTOS IN SCHOOLS AMENDMENT ACT, 1988

Committee on Environment and Public Works: Subcommittee on Hazardous Wastes and Toxic Substances approved for full committee consideration S. 2024, to extend the deadline for filing inspection and management plans required by the Asbestos Hazard Emergency Response Act, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Charles A. Gargano, of New York, to be Ambassador to the Republic of Trinidad and Tobago, Richard N. Holwill, of the District of Columbia, to be Ambassador to the Re-

public of Ecuador, and Paul D. Taylor, of New York, to be Ambassador to the Dominican Republic, after the nominees testified and answered questions in their own behalf. Mr. Gargano was introduced by Senator D'Amato.

F/A-18S AIRCRAFT SALE TO KUWAIT

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the Administration's plans to sell 40 F/A-18s Aircraft to Kuwait from Peter Burley, Acting Assistant Secretary for Near Eastern and South Asian Affairs, Department of State; and Edward W. Gnehm, Deputy Assistant Secretary for Near Eastern and South Asian Affairs, Department of Defense.

VETERANS' PROGRAMS

Committee on Veterans' Affairs: Committee concluded hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805 to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and concluded oversight hearings on activities of the Board of Veterans' Appeals, and related matters, after receiving testimony from Donald L. Ivers, General Counsel, Herbert Mars, Acting Director, Compensation and Pension Service, and Daniel H. Winship, Assistant Deputy Chief Medical Director for Programs and Operations, and Paul Errera, Director, Mental Health and Behavioral Science Service, both of the Department of Medicine and Surgery, all of the Veterans' Administration, Kenneth Eaton, Roger K. Bauer, Ronald Aument, and Jan Donsbach, all of the Board of Veterans' Appeals; Ed Bartholomew, Friendship House, and Martin B. Koretzsky, Fort Howard VA Medical Center, both of Baltimore, Maryland; Gerald B. Chittick, Gold Star Wives of America, Inc., Frankfort, Indiana; and Drug Chiappetta, Therapeutic Committees of America, E. Philip Riggan, The American Legion, Stephen L. Edmiston, Disabled American Veterans, John C. Bollinger, Paralyzed Veterans of America, James N. Magill, Veterans of Foreign Wars of the United States of America, Richard E. O'Dell, Vietnam Veterans of America, and Kenneth R. Feinberg, all of Washington, DC.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 4774-4780; and 4 resolutions, H.J. Res. 589-590, H. Con. Res. 313, and H. Res. 468 were introduced.

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Reports Filed: Reports were filed as follows:

Report entitled "Budget Allocation Report of the Committee on Ways and Means pursuant to Section 302(b) of the Congressional Budget Act" (H. Rept. 100-678);

H.R. 4775, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989 (H. Rept. 100-679); and

H.R. 4776, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989 (H. Rept. 100-680).

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NSF Authorization: By a yea-and-nay vote of 405 yeas to 5 nays, Roll No. 177, the House passed H.R. 4418, to authorize appropriations for the National Science Foundation for fiscal years 1989 and 1990.

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Agreed To:

The Roe technical amendment that authorizes Presidential awards for teaching excellence;

Page 13907

The Roe technical amendment that strikes certain language relating to conflict of interest standards for members of the National Science Board;

Page 13908

The Roe technical amendment that makes conforming changes in language prohibiting use of funds for an icebreaking research vessel not built in a United States shipyard;

Page 13909

The Boehlert amendment that reduces the bill's authorization by \$85 million;

Page 13910

The Traficant amendment that gives domestic firms a 6 percent cost advantage over foreign firms when competing for contracts related to programs in the bill, only if the product is completely assembled and at least 50 percent produced in the United States; and

Page 13911

The Fields amendment that clarifies language relating to the building of an icebreaking research vessel by providing that no bid submitted by a foreign shipyard (receiving direct or indirect govern-

ment subsidies) be considered as an indicator or "world free-market price" as defined in the bill.

Page 13912

H. Res. 459, the rule under which the bill was considered, was agreed to earlier by a voice vote.

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Late Reports: Committee on Appropriations received permission to have until midnight tonight to file reports on H.R. 4776, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989; and H.R. 4775, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989.

Page 13915

John O. Holly Building: House cleared for the President H.R. 4448, to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building of the United States Post Office"; by agreeing to the Senate amendment thereto.

Page 13915

Referrals: Two Senate-passed measures were referred to the appropriate House committees.

Page 13960

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on page 13914. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 4:22 p.m.

Committee Meetings

TRANSPORTATION AND DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriation bills for fiscal year 1989: Department of Transportation and the District of Columbia.

ROLE OF THE MILITARY IN DRUG INTERDICTION

Committee on Armed Services: Defense Policy Panel and the Subcommittee on Investigations continued joint hearings on the role of the Department of Defense efforts to halt drug trafficking. Testimony was heard from Ed Koch, Mayor, New York City; Donna Owens, Mayor, Toledo, Ohio; and Donald Siegelman, Attorney General, State of Alabama.

PROHIBIT INVESTMENTS IN SOUTH AFRICA

Committee on Armed Services: Subcommittee on Investigations met in executive session and approved for full Committee action, as amended, H.R. 1580, to prohibit investments in, and certain other activities with respect to, South Africa.

Prior to this action, the Subcommittee held a hearing on this legislation. Testimony was heard from Representatives Dellums and Ritter.

MONEY LAUNDERING CONTROL ACT

Committee on Banking, Finance and Urban Affairs: Ordered reported the Money Laundering Control Act Amendments of 1988.

OVERSIGHT

Committee on Education and Labor: Subcommittee on Labor-Management Relations held an oversight hearing on Access to Health Insurance. Testimony was heard from P. Royal Shipp, Senior Specialist, Social Legislation, Congressional Research Service, Library of Congress; and public witnesses.

UNIFORM SAFETY ACT

Committee on Energy and Commerce: Continued markup of H.R. 1115, to amend the Uniform Safety Act to establish uniform standards.

Will continue June 14.

LABELING ON IMPORTED SHRIMP

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing regarding country-of-origin labeling on imported shrimp. Testimony was heard from J.B. Sessions III, U.S. Attorney, Southern District, Alabama, Department of Justice; John M. Taylor, Associate Commissioner, Regulatory Affairs, FDA, Department of Health and Human Services; William Meglen, Deputy Assistant Commissioner, Enforcement, U.S. Customs Service, Department of the Treasury; and James W. Brennan, Assistant Administrator, Fisheries, NOAA, Department of Commerce.

SECURITIES ARBITRATION REFORM ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and Finance held a hearing on the Securities Arbitration Reform Act of 1988. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; DRAFT REPORTS

Committee on Government Operations: Ordered reported the following bills: H.R. 4054, amended, Inspector General Act Amendments of 1988; H.R. 4150, Postal Reorganization Act of 1988; H.R. 4481, amended, Defense Savings Act; S. 328, amended, Prompt Payment Act Amendments of 1987; S. 892,

amended, to remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, Utah; and H.R. 4699, Computer Matching and Privacy Protection Act of 1988.

The Committee also approved the following draft reports: "Defense Department Fails To Assure Reasonableness of Contractors' Health Costs"; "Defense Department's Foreign Military Sales Accounting Problems Continue"; "Strategic Defense Initiative Organization Management Deficient in Key Areas"; "Program Costs Now Double Original Estimate"; "Absence of Management: The Farmers Home Administration's Implementation of the Food Security Act of 1985"; "The FCC Public Reference Rooms Are a Mess"; "Just Saying No Is Not Enough: HUD's Inadequate Response to the Drug Crisis in Public Housing"; and "Federal Government Payments to Reinsurers Under FEGLIA: The \$850,000 Annual Giveaway."

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Committee on Interior and Insular Affairs: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 3614, to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington State as a study area for inclusion in the National Wild and Scenic Rivers System; and H.R. 3703, to designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic Rivers Act. Testimony was heard from Representatives Morrison of Washington, Smith of New Hampshire and Gregg; Denis Galvin, Deputy Director, National Park Service, Department of the Interior; George Leonard, Associate Chief, U.S. Forest Service, USDA; and public witnesses.

ARCTIC NATIONAL WILDLIFE REFUGE

Committee on Interior and Insular Affairs: Subcommittee on Water and Power Resources held a hearing on the following measures: H.R. 3601, National Fish and Wildlife Enhancement Act of 1987; H.R. 1082, Arctic Coastal Plain Leasing Act of 1987; H.R. 39, to designate certain lands in Alaska as wilderness; and other legislation regarding the potential development of the Arctic National Wildlife Refuge. Testimony was heard from J. Steven Griles, Assistant Secretary, Land and Minerals Management, Department of the Interior; and public witnesses.

Hearings continue tomorrow.

INQUIRY INTO THE CONDUCT OF U.S. DISTRICT COURT JUDGE WALTER L. NIXON, JR.

Committee on the Judiciary: Subcommittee on Civil and Constitutional Rights met in executive session to hold a hearing on the inquiry into the conduct of U.S. District Court Judge Walter L. Nixon, Jr. Testimony was heard from Reid Weingarten, former Assistant U.S. Attorney, Department of Justice.

Hearings continue tomorrow.

VISUAL ARTISTS' RIGHTS ACT

Committee on the Judiciary: Subcommittee on Courts, Civil Liberties, and the Administration of Justice held a hearing on H.R. 3221, Visual Artists' Rights Act of 1987. Testimony was heard from Representative Markey; and public witnesses.

Hearings continue June 21.

PUBLIC SAFETY OFFICERS' BENEFITS ACT

Committee on the Judiciary: Subcommittee on Criminal Justice approved for full Committee action H.R. 4758, Public Safety Officers' Benefits Act of 1988.

INQUIRY INTO THE CONDUCT OF U.S. DISTRICT JUDGE ALCEE L. HASTINGS

Committee on the Judiciary: Subcommittee on Criminal Justice concluded hearings on the inquiry into the conduct of U.S. District Court Judge Alcee L. Hastings. Testimony was heard from public witnesses.

OCEAN DISPOSAL OF SEWAGE SLUDGE

Committee on Merchant Marine and Fisheries: Ordered reported, as amended, H.R. 4338, to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to impose special fees on the ocean disposal of sewage sludge.

MISCELLANEOUS MEASURES

Committee on Post Office and Civil Service: Subcommittee on Census and Population approved for full Committee action the following bills: H.R. 4550, to amend title 13, United States Code, to improve the administration of decennial censuses of population; H.R. 4432, amended, to amend title 13, United States Code, to require certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial censuses of population; and H.R. 4720, to amend title 13, United States Code, to provide for the inclusion of members of the uniformed services and civilian employees of the Government assigned to posts of duty outside the United States and their dependents in censuses of population for purposes of the apportionment of Representatives in Congress.

NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

Committee on Science, Space, and Technology: Subcommittee on Natural Resources, Agriculture Research and Environment held a hearing on H.R. 4335, National Biological Diversity Conservation and Environmental Research Act. Testimony was heard from Representative Akaka; the following officials of the Department of the Interior: F. Dale Robertson, Chief, U.S. Forest Service; Eugene Hester, Assistant Director, National Park Service; and Roland Robinson, Deputy Director Bureau of Land Management; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

MISCELLANEOUS MATTERS

Committee on Ways and Means: Ordered reported the following: H.R. 2792, amended, to clarify Indian treaties, executive orders, and acts of Congress with respect to Indian fishing rights; and Section 302(b) allocation report required under the Congressional Budget Act.

The Committee also approved, as amended, recommendations relating to the U.S. Customs Service for inclusion in omnibus drug legislation.

U.S. CUSTOMS SERVICE

Committee on Ways and Means: Subcommittee on Oversight held a hearing to review the U.S. Customs Service. Testimony was heard from the following Senior Inspectors of the U.S. Customs Service, Department of the Treasury: Robert Clark, San Diego; Kevin Fox, New York; and Pedro Rodriguez, Seattle, Washington; and public witnesses.

CHILD CARE NEEDS OF LOW-INCOME FAMILIES

Committee on Ways and Means: Subcommittee on Public Assistance and Unemployment Compensation held a hearing on the Child Care Needs of Low-Income Families. Testimony was heard from Representatives Tauke and Johnson of Connecticut; and public witnesses.

PROHIBIT INVESTMENTS IN SOUTH AFRICA

Committee on Ways and Means: Subcommittee on Trade held a hearing on H.R. 1580, to prohibit investments in, and certain other activities with respect to, South Africa. Testimony was heard from Representatives Rangel and Wolpe; Eugene J. McAllister, Assistant Secretary, Economic and Business Affairs, Department of State; R. Richard New-

comb, Director, Office of Foreign Assets Control, Department of the Treasury; and public witnesses.

PROHIBIT INVESTMENTS IN SOUTH AFRICA

Permanent Select Committee on Intelligence: Met in executive session and ordered reported, as amended, H.R. 1580, to prohibit investments in, and certain other activities with respect to, South Africa.

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Friday, June 10, 1988

Senate

Chamber Action

Routine Proceedings, pages 14081-14151

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 2492-2497, S. Res. 441, S.J. Res. 336.

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Measures Passed:

Extending Best Wishes to President Duarte: Senate agreed to H. Con. Res. 312, extending the sympathy and best wishes of the Congress to President Jose Napoleon Duarte during his battle with cancer.

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S. Res. 438, companion measure, was subsequently indefinitely postponed.

Page 14141

Indian Housing Act: The Select Committee on Indian Affairs was discharged from the further consideration of H.R. 3927, to establish a separate assisted housing program for Indians and Alaska Natives, and the bill was then passed.

S. 1987, companion measure, was indefinitely postponed.

Page 14146

Salem Maritime National Historic Site: Senate passed H.R. 2652, to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

Page 14140

Death Penalty for Drug-Related Killings: By 65 yeas to 29 nays (Vote No. 175), Senate passed S. 2455, to provide for the death penalty in the case of drug-related killings, after taking action on additional amendments proposed thereto, as follows:

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Adopted:

(1) Kennedy Amendment No. 2342, to reduce race discrimination in capital sentencing.

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